

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:16-cr-00039-MOC-DLH

UNITED STATES OF AMERICA,

v.

DANIELLE DEVONNA JONES,

Defendant.

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ORDER

THIS MATTER is before the court on defendant's *pro se* Objection to Continue Trial (#68), a Motion to Suppress (#59), and letter (#67). The court has also reviewed the Government's opposition to defendant's Motion to Suppress Evidence (#61).

First, the defendant's non-consent to the Continuance was noted in this court's Order (#66). The court noted in its Order of continuance defendant's objection: "The court notes in advance Defendant Jones' non-consent to such motion based on her prior filings." Id. at 1.

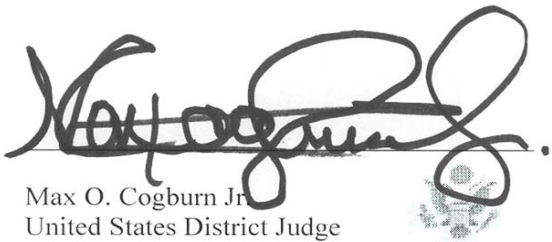
Second, the court has reviewed and considered the Motion to Suppress (#59) and the government's Response. While the briefing provides strong indicia that the officers had probable cause to search the vehicle making defendant's consent irrelevant, the court will direct the Clerk of Court to schedule a hearing on such motion so that the court can consider the government's evidence and determine the credibility of witnesses concerning probable cause and also hear and give the same consideration to defendant's arguments and any evidence she may wish to present.

Defendant has also made additional allegations that the government has concealed, altered, destroyed, or manufactured evidence. This is a conclusory allegation as no evidence has been proffered to support such allegations.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Objection to Continue Trial (#68) is **OVERRULED**. The Clerk of Court is instructed to calendar defendant's Motion to Suppress (#59) for hearing. To the extent defendant seeks relief in her letter (#67), such is **DENIED** and is deemed to be an Addendum to the Motion to Suppress.

Signed: October 17, 2016



Max O. Cogburn Jr.
United States District Judge